

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD OTTO HANSEN,	)	8:08CV444
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
JAMES MARR, Sheriff of Nuckolls	)	
County, Nebraska,	)	
	)	
Respondent.	)	

This matter is before the court on its own motion. On January 29, 2009, Petitioner filed a Request for Certificate of Appealability relating to the court's January 26, 2009 Memorandum and Order and Judgment. (Filing No. [15](#).) However, Petitioner has not filed a notice of appeal. The court cannot rule on the certificate of appealability question unless Petitioner also files a notice of appeal. Petitioner has 30 days from the date of the Judgement, or until February 25, 2009, to file a notice of appeal.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until February 25, 2009 to file a notice of appeal.
2. In the event that Petitioner fails to file a notice of appeal by February 25, 2009, the Request for Certificate of Appealability will be denied without further notice.

February 3, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge